

Sample Policies for Supporting Pregnant and Breastfeeding Employees

Use the below as a reference when revising or creating your company's worksite support policy. For your convenience, you can adjust this document online at nyc.gov/health/BreastfeedingBiz. Please submit your new or revised policy to nychealthequity@health.nyc.gov.

_____ provides a supportive environment where employees may express breast milk during work hours. Employees who choose to express breast milk in the workplace will not be discriminated against in any way.

_____ agrees to the following worksite support policy. This policy is communicated to all current employees and included in new employee orientations.

Company Responsibilities

Employees who choose to express breast milk when they return to work will receive:

- **Reasonable paid or unpaid break time [Required by law]**

Employees are allowed to use reasonable unpaid break time and their normal breaks and meal times to breastfeed or express breast milk during work hours. Employees can use breaks and meal times to express breast milk for up to three years following childbirth. Each break should be no less than 20 minutes. If the lactation room is located far from the employee's work station, breaks should be no less than 30 minutes. For time beyond their usual break times, employees may use personal leave or may make up the time as agreed upon with their supervisor. (New York State Labor Law 206-c and Section 7 of the Fair Labor Standard Act)

- **Reasonable Effort and Privacy [Required by law]**

All businesses must make a reasonable effort to provide a room or other location (not a toilet stall or restroom) close to the employee's work area where they can privately breastfeed or express breastmilk. The private location must be sanitary, contain at minimum a chair and a small table or other flat surface, be well-lit at all times and have a lock or a sign for when the location is in use to ensure privacy. The location must also have an electrical outlet. The law recommends that employers provide a space located near a sink with running water so that employees can wash their hands and rinse out breast pump parts. Employees may also breastfeed or express breast milk in their own private offices or in other comfortable locations agreed upon with their supervisor. Employees can store their breast milk in _____ (New York State Labor Law 206-c and Section 7 of the Fair Labor Standard Act)

- • **Breastfeeding Equipment [Optional]** *(Click if accepted and fill in)*

_____ electric breast pumps to help employees express breast milk during work hours. The company provides _____ until the employee decides to stop expressing breast milk.

- • **Education [Optional]** *(Click if accepted and fill in)*
Provide informational materials for parents and partners in the lactation space or area. Include information on local prenatal and postpartum breastfeeding classes.
- • **Staff Support [Optional]** *(Click if accepted and fill in)*
It is the _____'s responsibility to inform pregnant and breastfeeding employees about the company's worksite lactation support program and to negotiate policies and practices that will help each employee meet their breastfeeding goals. All employees are expected to assist in providing a positive and supportive atmosphere for breastfeeding employees.

Pregnant employees and new parents also have the right to:

- **Reasonable Accommodations [Required by law]**

Employees may request accommodations related to pregnancy, childbirth or a related medical condition. These may include bathroom breaks, assistance with manual labor, minor changes in work schedule. (Americans with Disabilities Act and New York City Pregnant Workers Fairness Act)

- • **Cooperative Dialogue [Optional]** *(Click if accepted and fill in)*

_____ engages in cooperative dialogue with employees to understand and explore ways to meet their individual needs. If _____ does not provide a specific accommodation, they will suggest reasonable alternatives to meet the employee's needs.

- **Time Off [Required by law]**

Employees have the right to time off from work for prenatal appointments and to recover from medical conditions related to childbirth. (New York City Pregnant Workers Fairness Act and New York State Paid Family Leave)

Adapted from:

New York State Labor Law 206-c Section 7. Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place. Retrieved from <https://www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf>. Accessed on March 29, 2018.

Office of Women's Health in the U.S. Department of Health and Human Services. Handling Expressed Milk. Retrieved from <https://www.womenshealth.gov/breastfeeding/employer-solutions/common-solutions/milk-handling.html>. Accessed on March 29, 2018.

Office on Women's Health in the U.S. Department of Health and Human Services. Policy for Supporting Breastfeeding Employees. May 3, 2017. Retrieved from: www.womenshealth.gov/files/assets/docs/breastfeeding/business-case/policy-for-supporting-breastfeeding-employees.pdf. Accessed on July 10, 2017.

New York City Commission on Human Rights. NYC Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy: Local Law No. 78 (2013); N.Y.C. Admin. Code § 8-107(22). July 12, 2017. Retrieved from: http://www1.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2016.pdf. Accessed on July 10, 2017.

New York City Office of the Mayor. Mayor De Blasio Announces Stronger Pregnancy Protections in the Workplace. May 6, 2016. Retrieved from: <http://www1.nyc.gov/office-of-the-mayor/news/436-16/mayor-de-blasio-stronger-pregnancy-protections-the-workplace-housing-public-spaces>. Accessed on July 12, 2017.

New York City Commission on Human Rights. Pregnancy Employment Poster. July 12, 2017. Retrieved from: <https://www1.nyc.gov/site/cchr/media/posters/pregnancy-employment-rights.page>. Accessed on October 31, 2017.